


**US Army Corps
of Engineers**

Philadelphia District

 Wanamaker Building
 100 Penn Square East
 Philadelphia, PA 19107-3390
 ATTN: CENAP-OP-R

Public Notice

 Public Notice No.
CENAP-OP-R-2008-654-26

 Date
JUL 07 2008

 Application No.
CENAP-OP-R-2008-654 (IP)

 File No.
CENAP-OP-R-2008-654 (IP)

 In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Stouffer, Herbert

AGENT: Engineering Consultants International, LLC, Rehoboth Beach, DE

WATERWAY: Nanticoke River

LOCATION: Tax Parcel No. 3-31-7-18.00 located at The Island, 25269 Riverside Drive, Seaford, Sussex County, Delaware.

ACTIVITY: As depicted on Enclosures E1-E14, the applicant has applied to maintenance dredge 640 cubic yards from a 336' x 56' wide man-made dead end lagoon located on the Nanticoke River using an on shore excavator.

The long arm excavator will be placed 10' east of the bulkhead and placed on mats to minimize disturbance. The spoil that is removed will be loaded into water tight dredging trucks and taken offsite to a commercial borrow pit.

During the dredging process a turbidity curtain will be installed at the limits on the dredging project to minimize sediment pollution in the river.

The project is proposed to begin no earlier than September 1st and end no later than January 31st.

A hydrological survey was performed on the lagoon and river. The controlling depth for the Nanticoke River is -3.76 NAVD. Based on the survey, dredging will be to a depth of -3.0' below mean low water.

In addition to the dredging work, the applicant proposes bulkhead repairs including replacing any decayed boards along the existing bulkhead.

PURPOSE: The stated purpose of this activity is to remove accumulated sediments from the lagoon to allow continued use by the owner and perform minor repairs to the existing bulkhead.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments.

All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

Essential Fish Habitat Assessment: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (public law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect essential fish habitat (EFH).

Effects of the Project on Essential Fish Habitat (EFH): The project is located in Essential Fish Habitat identified on Sheet 89 of Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware, March 1999. The following managed species of fish have been listed in the above referenced guide as occurring in the vicinity of the project:

Bluefish (Pomatomus saltatrix), summer flounder (Paralichthys dentatus), scup (Stenotomus chrysops), black sea bass (Centropristus striata), spiny dogfish (Squalus acanthias), tilefish (Lopholatilus chamaeleonticeps), whiting (Merluccius bilinearis), surf clam (Spisula solidissima), ocean quahog (Arctica islandica), long finned squid (Loligo pealei), short finned squid (Illex illecebrosus), Atlantic butterfish (Peprilus triacanthus), Atlantic mackerel (Scomber scombrus), king mackerel (Scomberomorus cavalla), Spanish mackerel (Scomberomorus maculatus), Atlantic cod (Gadus morhua), witch flounder (Glyptocephalus cynoglossus), American plaice (Hippoglossoides platessoides), yellowtail flounder (Pleuronectes ferrugineus), ocean pout (Macrozoarces americanus), haddock (Melanogrammus aeglefinus), silver hake (Merluccius bilinearis), pollock (Pollachius virens), winter flounder (Pleuronectes americanus), summer flounder (Paralichthys dentatus), windowpane flounder (Scophthalmus aquosus), redfish (Sebastes fasciatus), red hake (Urophycis chuss), white hake (Urophycis tenuis), Atlantic halibut (Hippoglossus hippoglossus), offshore hake (Merluccius albidus), Atlantic sea scallop (Placopecten magellanicus), Atlantic sea herring (Clupea harengus), Atlantic salmon (Salmo salar), monkfish (Lophius americanus), swordfish (Xiphias gladius), bluefin tuna (Thunnus rhynnus), bigeye tuna (Thunnus obesus), albacore (Thunnus alalunga), yellowfin tuna (Thunnus albacares), skipjack tuna (Katsuwonus pelamus), cobia (Rachycentron canadum), blue marlin (Makaira nigricans), white marlin (Tetrapturus albidus); and the following shark species: tiger (Galeocerdo cuvieri), scalloped hammerhead (Sphyrna lewini), sandbar (Carcharhinus obscurus), sand tiger (Odontaspis taurus), dusky (Carcharhinus plumbeus), basking (Cetorhinus maximus), silky (Carcharhinus falciformis), white (Carcharodon carcharias), Atlantic sharpnose (Rhizoprionodon terraenovae), Atlantic angel (Squatina dumerili), shortfin mako (Isurus oxyrinchus), longfin mako (Isurus paucus), porbeagle (Lamna nasus), thresher (Alopias vulpinus), and blue (Prionace glauca).

Analysis of the Effects: The proposed dredging work would occur in waters located within the established man-made silted in dead end lagoon. Seasonal boat traffic is high. Such an area is an unlikely spawning or nursery area for the managed species. Consequently, concentrations of the sessile life stages (eggs and larvae) of the listed species are not expected to be within the work area. The pelagic adults and juveniles of the listed species are highly mobile and capable of avoiding impacts associated with the work.

No known Essential Fish Habitat (EFH) is known in the proposed maintenance areas. Although the applicant has voluntarily agreed to work within a time frame least likely to have any impact on fisheries (September 1-January 31st) evaluation of the effect of the work is still being reviewed at the present time.


In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

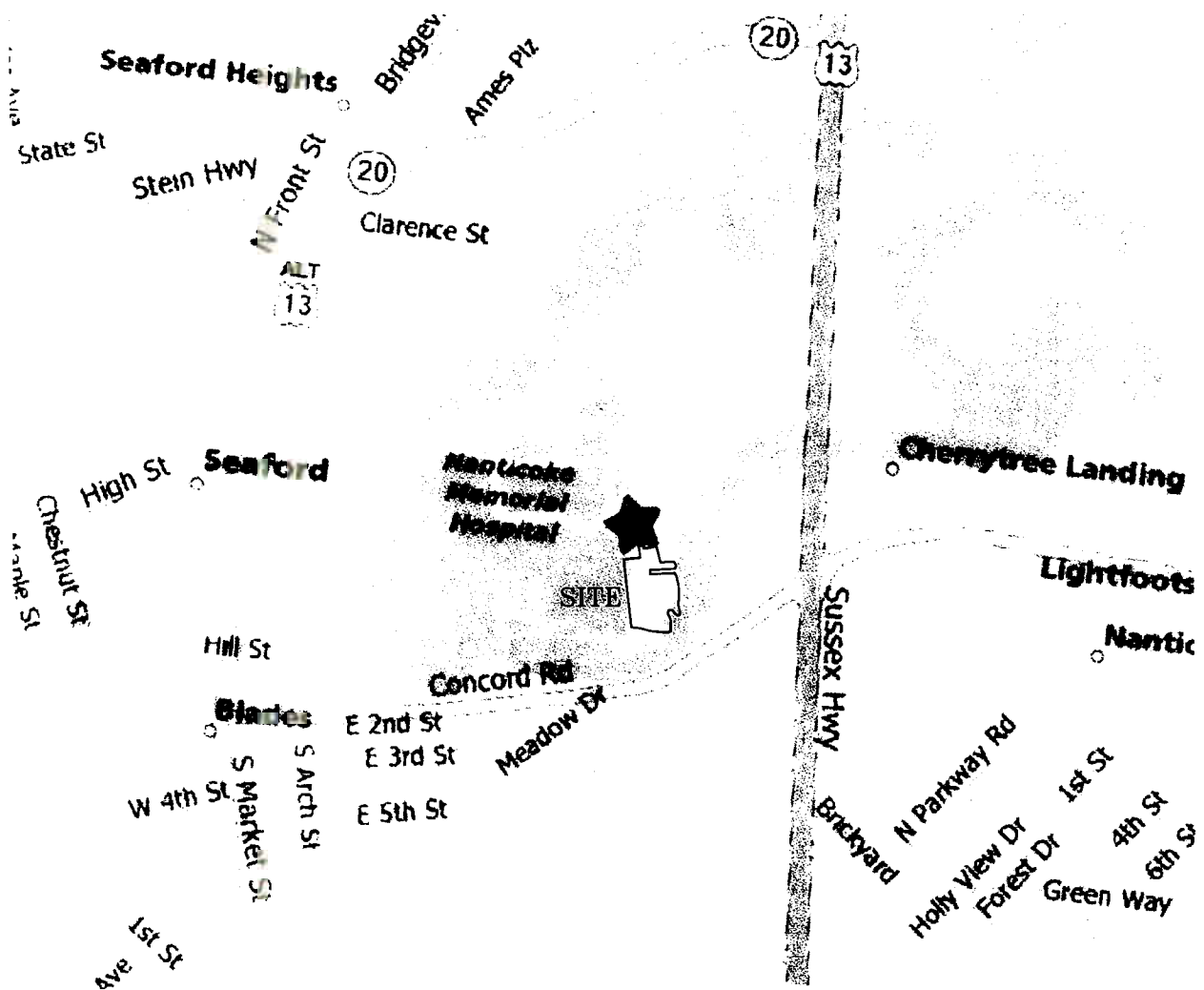
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Kevin E. Faust at 302-736-9763 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.


Frank J. Cianfrani
Chief, Regulatory Branch



E-1

LOCATION MAP
FOR
HERBERT STOUFFER

SEAFORD HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP 3-31-7-18

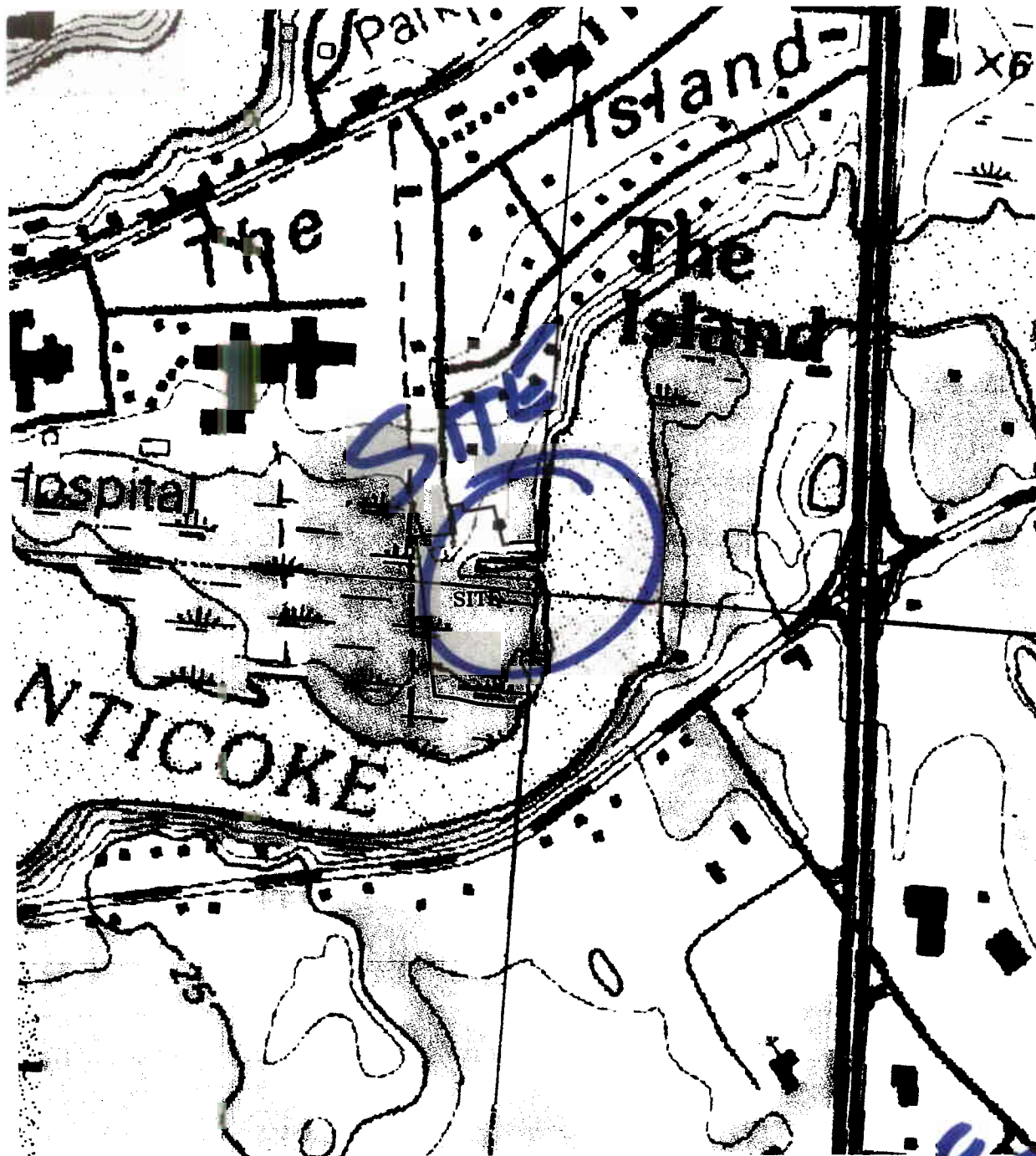


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INTERNATIONAL CORPORATION

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DRAWN BY: VT	DATE: 12/27/07	SHEET 1 OF 1
CHECKED BY: MC	SCALE: AS SHOWN	



SEAFORD EAST USGS QUADRANGLE

USGS TOPOGRAPHICAL MAP
FOR
HERBERT STOUFFER

SEAFORD HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP 3-31-7-18



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TAX MAP
FOR
HERBERT STOUFFER

SEAFORD HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP 3-31-7-18



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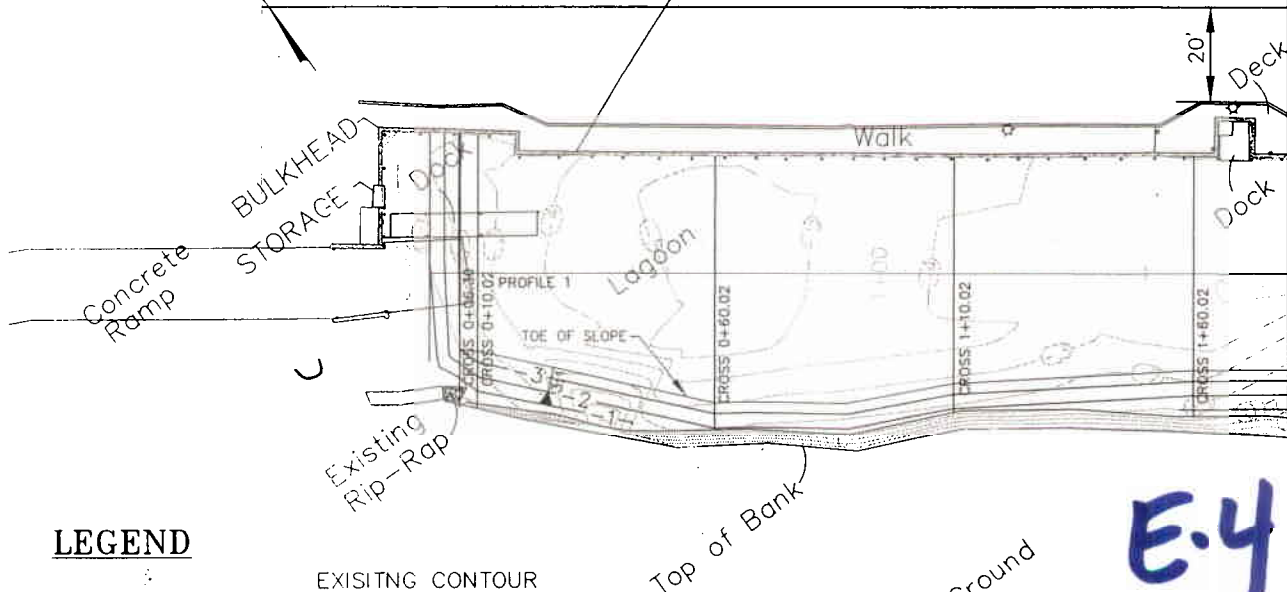
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Bench Mark
Top CMF
Elev = 4.60
NAVD 88

60.2'
Existing
2 Story Home
60.2'

REMOVE AND REPLACE
APPROX. 30 LF OF
WOODED BULKHEAD ABOVE
THE WATER LINE

MATCH SHEET 1



LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- DREDGE LIMITS
- TOP OF BANK/
TOE OF SLOPE
- EXISTING GRADE

x -2.50

Ground



1 inch = 40 ft.

LOCATION PLAN
FOR
HERBERT STOUTER

SEAFORD HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP 3-31-7-18

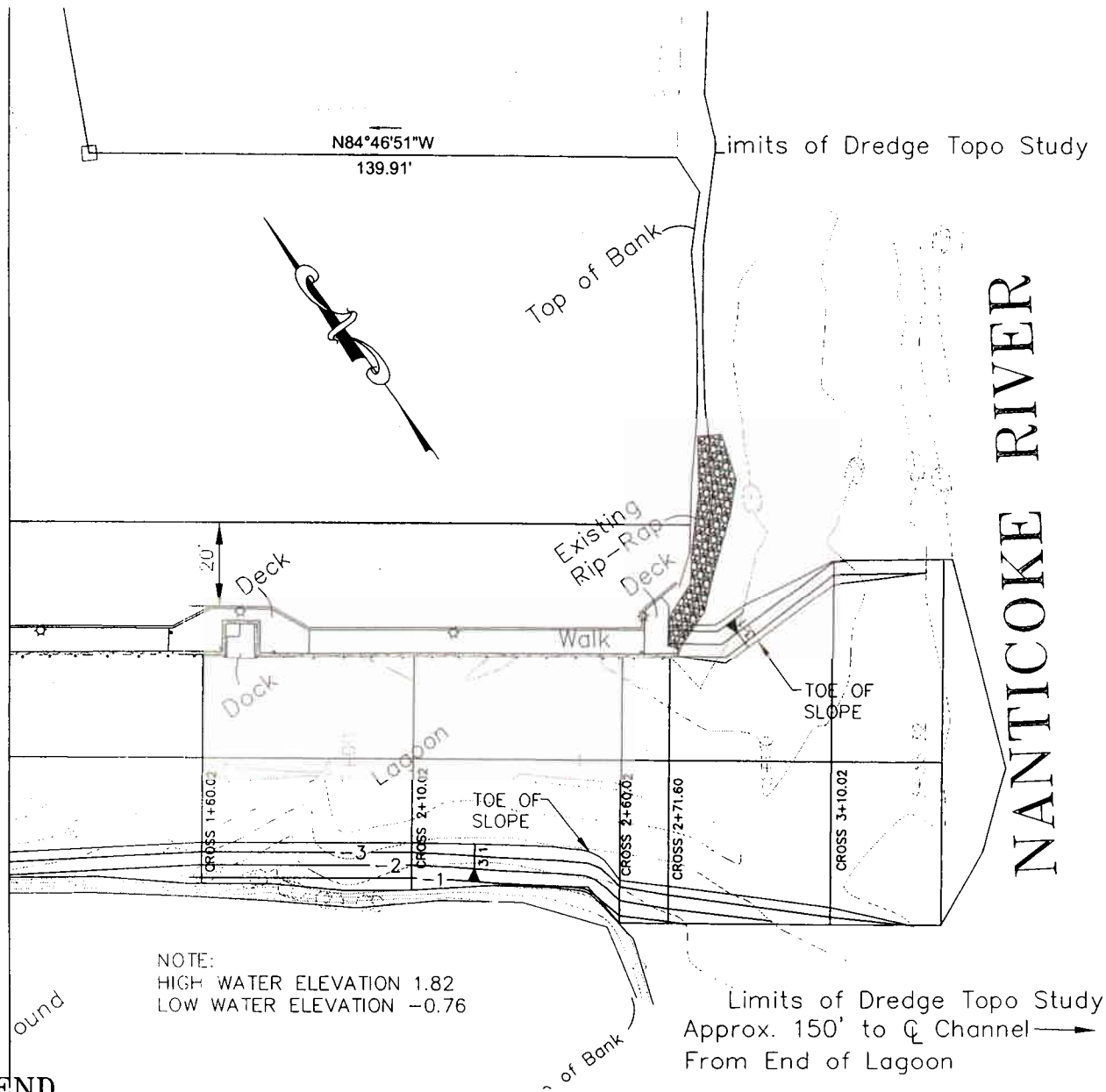


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MATCH SHEET 2



LEGEND

	EXISTING CONTOUR
	PROPOSED CONTOUR
	DREDGE LIMITS
	TOP OF BANK/ TOE OF SLOPE
	EXISTING GRADE

x -2.50

LOCATION PLAN
FOR
HERBERT STOUFFER

SEAFORD HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP 3-31-7-18



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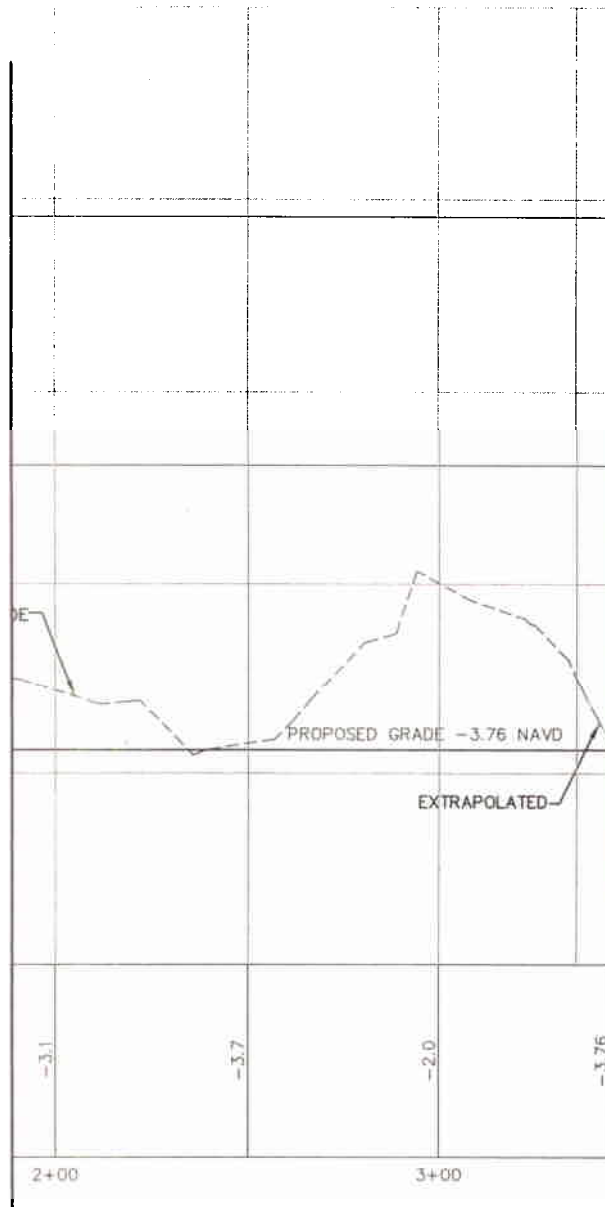
DATE: 1/14/08

SHEET 1 OF 2

CHECKED BY: MSC

SCALE: AS SHOWN

MATCH SHEET 1



PROFILE 1

SCALE: HORIZ. 1"=50'
VERT. 1"=2'

E-6

DREDGE PROFILE
FOR
HERBERT STOUFFER

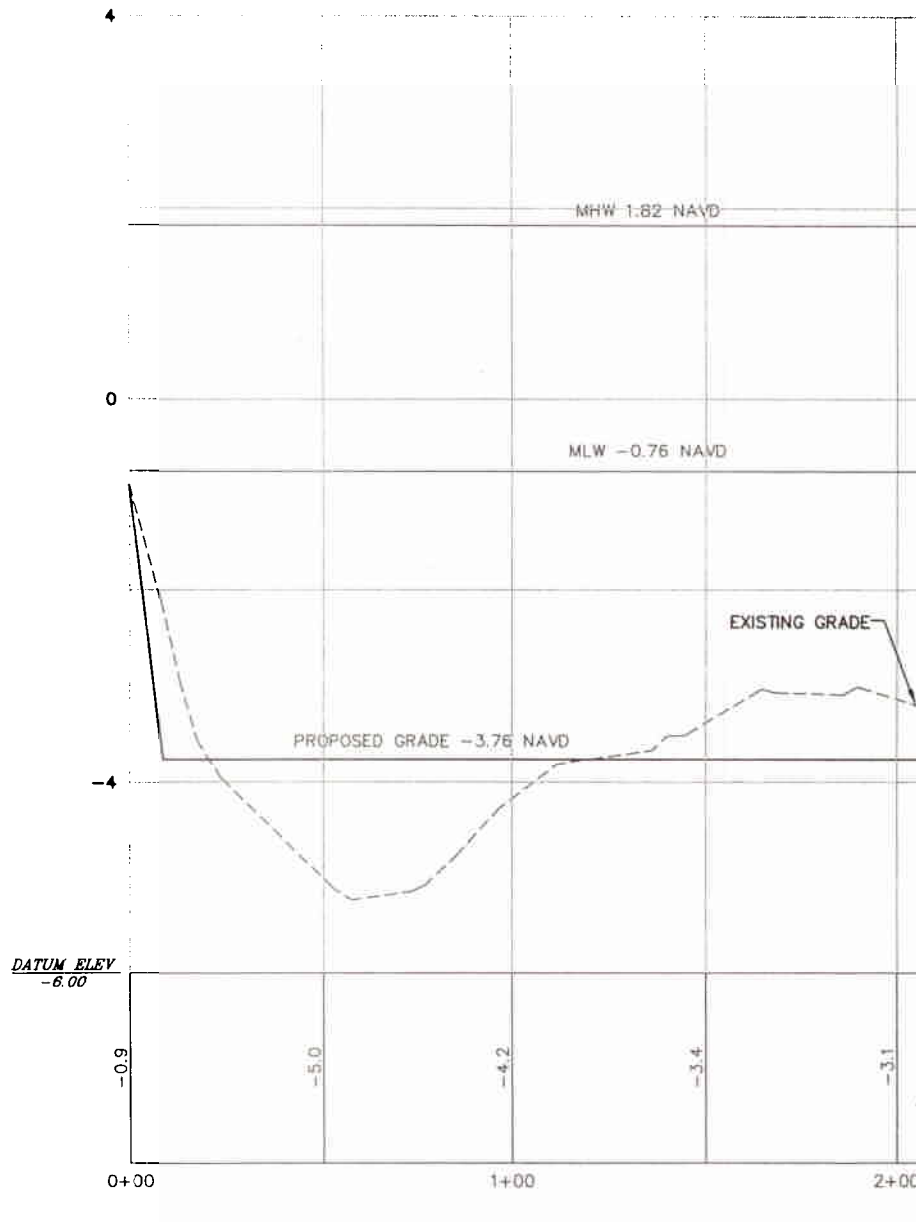
SEAFORD HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP 3-31-7-18



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MATCH SHEET 2

PROFILE 1

SCALE: HORIZ. 1"=50'
VERT. 1"=2'

E-7

**DREDGE PROFILE
FOR
HERBERT STOUFFER**

**SEAFORD HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP 3-31-7-18**



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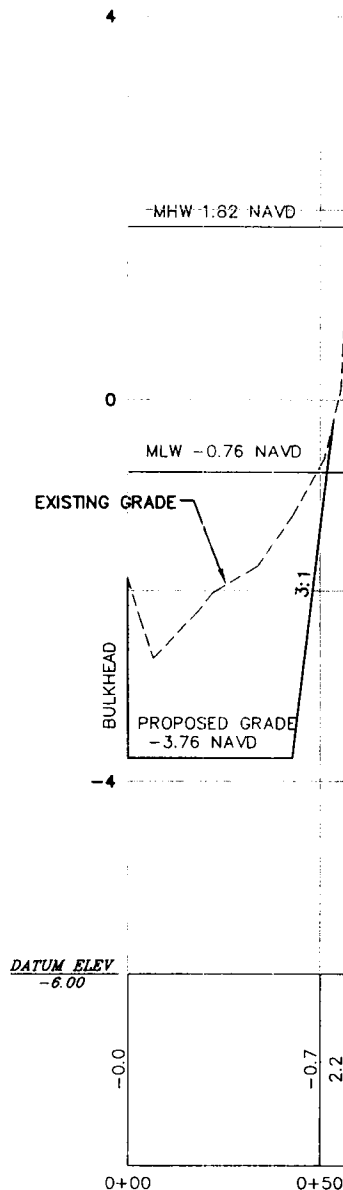
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DATE: 1/14/08

SHEET 1 OF 2

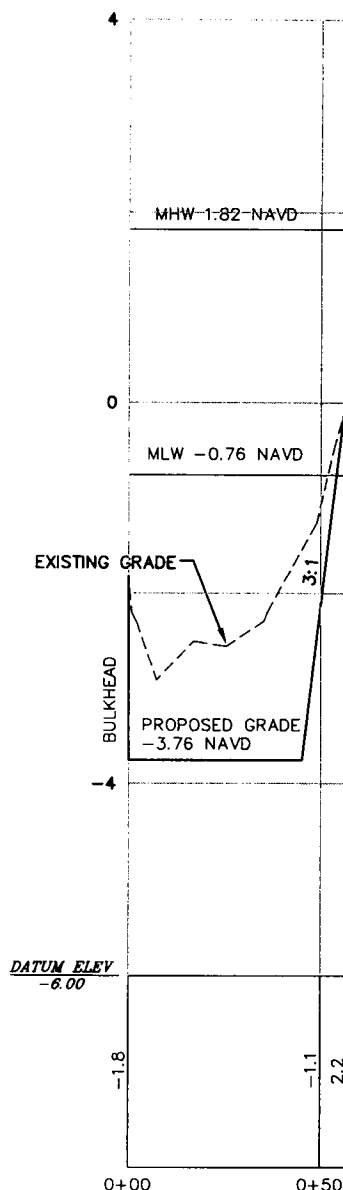
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SCALE: AS SHOWN



STA. 0+06.30

SCALE: HORIZ. 1"=50'
VERT. 1"=2'



STA. 0+10.02

SCALE: HORIZ. 1"=50'
VERT. 1"=2'

E8

**DREDGE CROSS SECTION
FOR
HERBERT STOUFFER**

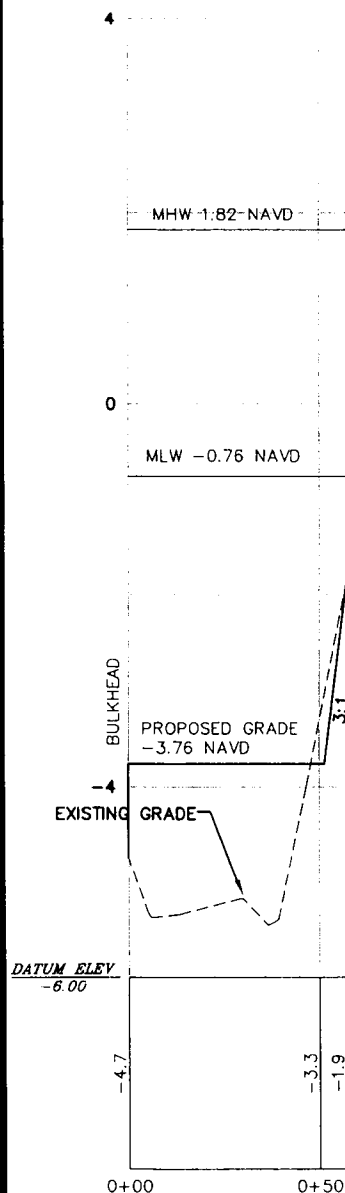
**SEAFORD HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP 3-31-7-18**



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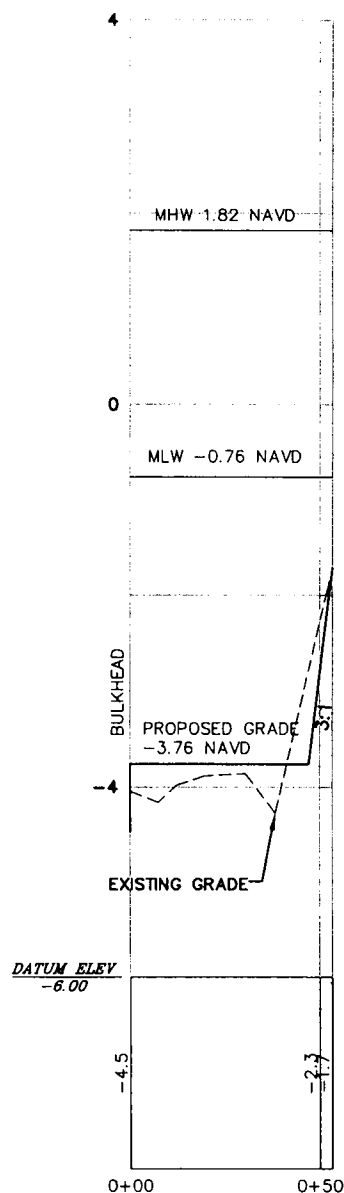
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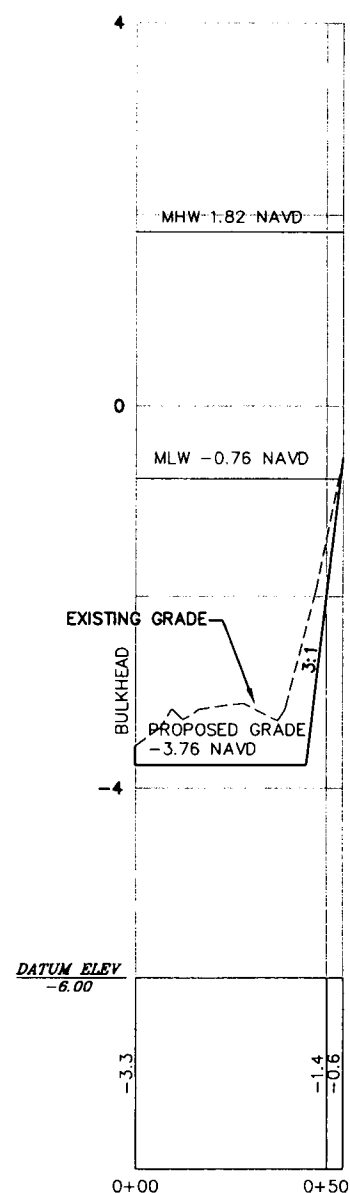
STA. 0+60.02

SCALE: HORIZ. 1"=50'
VERT. 1"=2'



STA. 1+10.02

SCALE: HORIZ. 1"=50'
VERT. 1"=2'



STA. 1+60.02

SCALE: HORIZ. 1"=50'
VERT. 1"=2'

E-9

**DREDGE CROSS SECTION
FOR
HERBERT STOUTER**

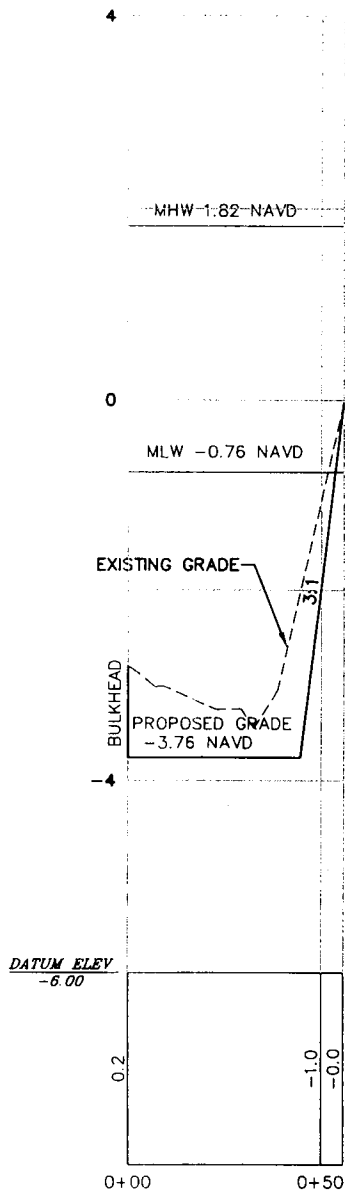
**SEAFORD HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP 3-31-7-18**



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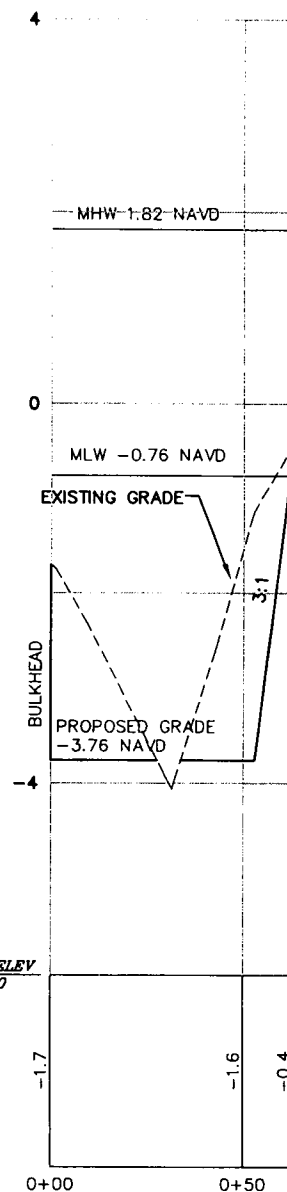
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STA. 2+10.02

SCALE: HORIZ. 1"=50'
VERT. 1"=2'



STA. 2+60.02

SCALE: HORIZ. 1"=50'
VERT. 1"=2'

E-10

**DREDGE CROSS SECTION
FOR
HERBERT STOUFFER

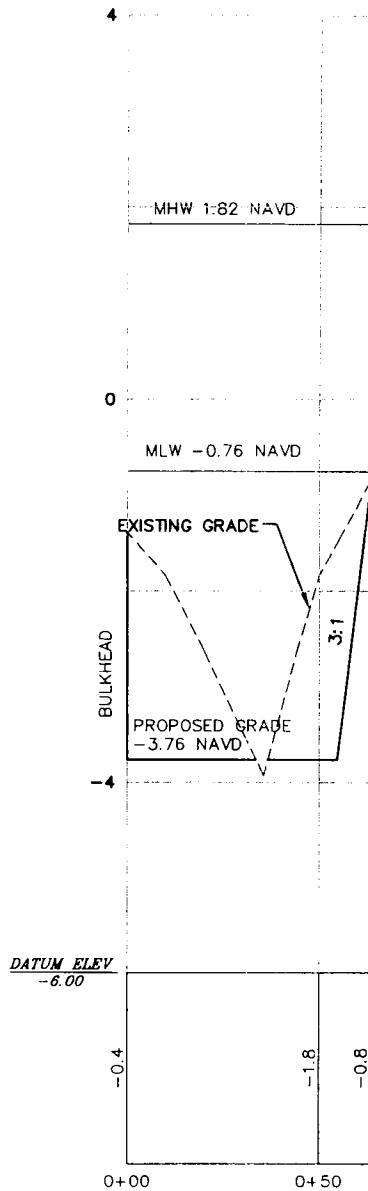
SEAFORD HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP 3-31-7-18**



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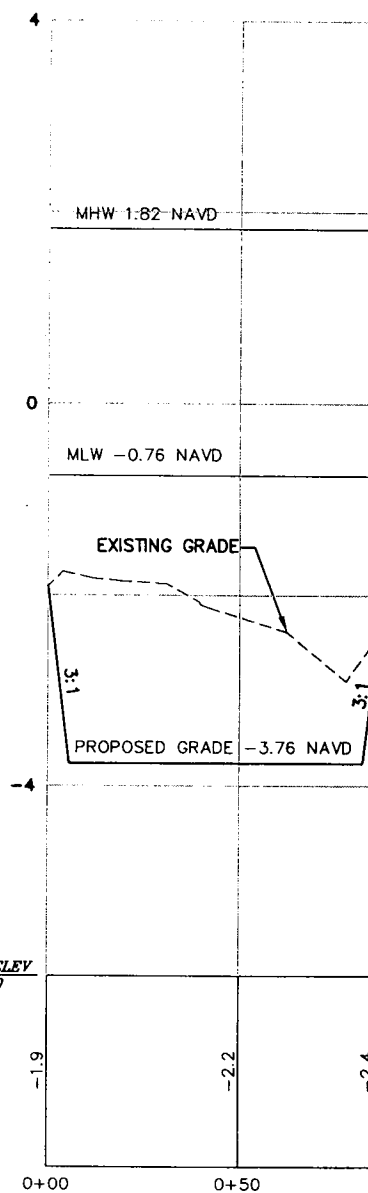
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STA. 2+71.60

SCALE: HORIZ. 1"=50'
VERT. 1"=2'



STA. 3+10.02

SCALE: HORIZ. 1"=50'
VERT. 1"=2'

E.I.I.

**DREDGE CROSS SECTION
FOR
HERBERT STOUFFER**

**SEAFORD HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP 3-31-7-18**



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SHEET 4 OF 4

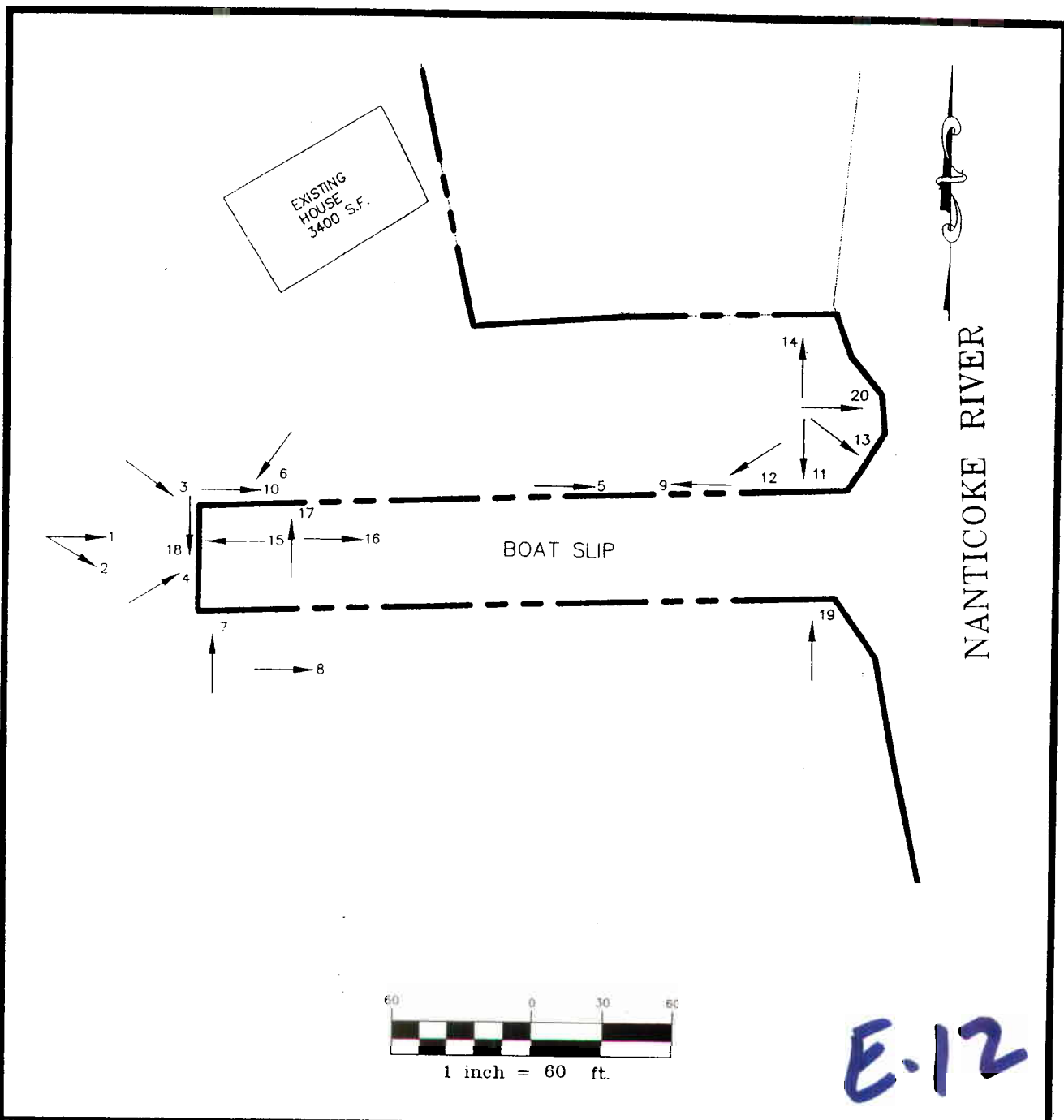


PHOTO LOCATION PLAN
FOR
HERBERT STOUFFER

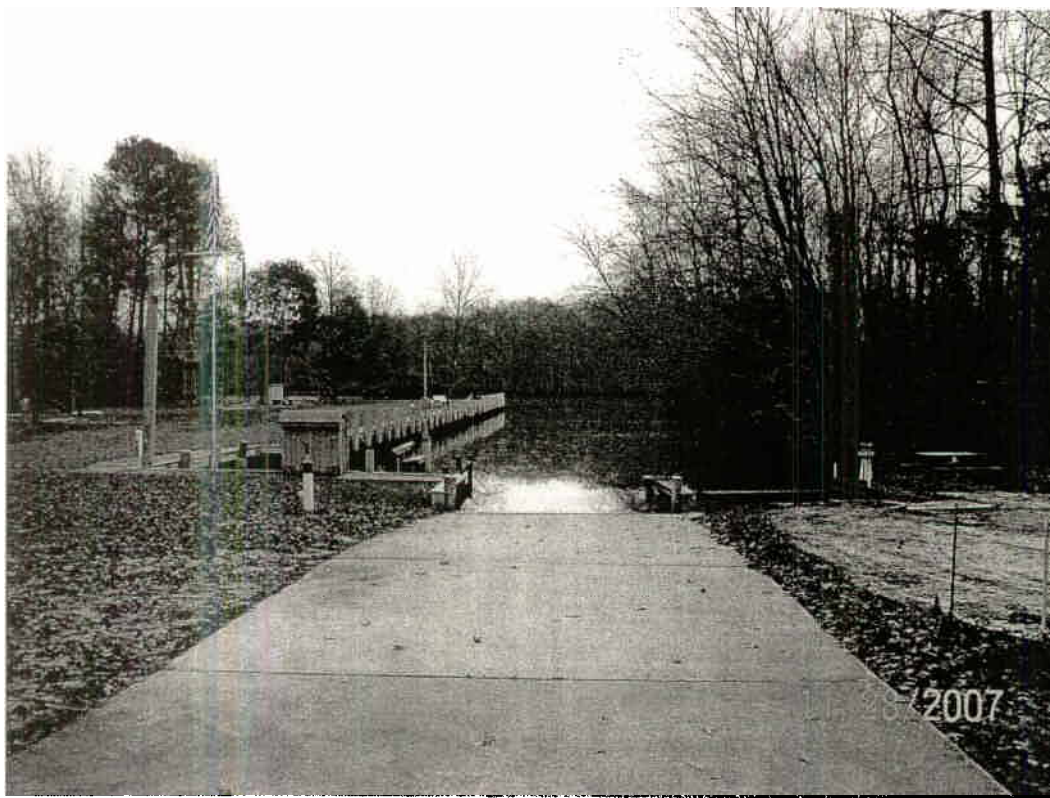
SEAFORD HUNDRED
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TAX MAP 3-31-7-18

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ECI-07-118 Figure 1



ECI-07-118 Figure 2

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ECI-07-118 Figure 3



ECI-07-118 Figure 4

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